

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-22625-2022 (O&M)
Date of decision: 24.07.2023

MANJEET ALIAS GHODA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jagraj Singh, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 42 dated 26.02.2018, registered under Sections 302, 201, 120-B (added later on) IPC and Section 25 of the Arms Act, at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Pinki-mother of the deceased; that it is totally a blind murder case; that the petitioner has falsely been implicated in the present case only on the suspicion and even the complainant has made an improvement in her statement at a later stage; that the case is based on the last seen evidence and apart from that there is nothing to sustain the involvement of the petitioner in the present case; that the only allegation against the petitioner is that he had hired co-accused Harbhan Singh @ Pintu and Vinod @ Tila (Foji) and thus committed the murder of Lalit; that co-accused Vinod @ Tila (Foji) and Harbhan Singh @ Pintu, have already been granted the concession of regular bail by a Coordinate Bench vide orders dated 08.11.2021 and 06.04.2022 respectively; that there is no other pending or registered case against the petitioner; that the petitioner has been in custody

for the last more than 05 years and 04 months and that only 14 out of 26 prosecution witnesses have been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has specifically been named in the FIR. The petitioner was seen in the company of the deceased on 24.02.2018. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. Material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 05 years and 04 months. It is totally a blind murder case and is based on circumstantial evidence and last seen evidence. Remaining 12 prosecution witnesses are yet to be examined. Co-accused Vinod @ Tila (Foji) and Harbhan Singh @ Pintu, have already been granted the concession of regular bail by a Coordinate Bench vide orders dated 08.11.2021 and 06.04.2022 respectively. The conclusion of the trial would take a long time. Moreover, there is no other case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No